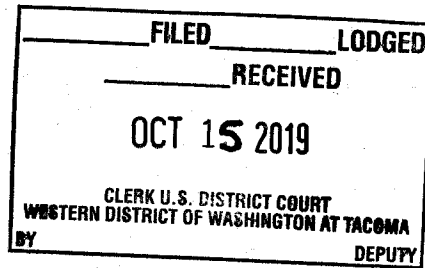


The Honorable J. Richard Creatura



UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HUSHAM ZEYAD AL-ANI,

Defendant.

No. MJ19-5209

COMPLAINT FOR VIOLATION
18 U.S.C. §§ 922(g)(1) and 924(a)(2)

BEFORE the Honorable J. Richard Creatura, United States Magistrate Judge,
United States Courthouse, Tacoma, Washington.

COUNT 1

(Felon in Possession of a Firearm)

On or about October 11, 2019, in Vancouver and elsewhere within the Western District of Washington, HUSHAM ZEYAD AL-ANI, knowing he had previously been convicted of crimes punishable by imprisonment for a term exceeding one year, to wit:

- a. *Possession of a Controlled Substance with Intent to Deliver - Heroin and Unlawful Possession of a Firearm in the Second Degree*, Clark County Superior Court cause number 12-1-01173-7, dated March 19, 2014;
- b. *Burglary in the First Degree and Felon in Possession of a Firearm*, Multnomah County Circuit Court cause number 16CR60410, dated April 10, 2017;

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UNITED STATES ATTORNEY
1201 PACIFIC AVENUE, SUITE 700
TACOMA, WASHINGTON 98402
(253) 428-3800

1 did knowingly possess a firearm, to wit: a Chinese manufactured AK-47S, 7.62 caliber
2 rifle, bearing serial number CGA2432, and a Zastava, model M90, 7.62 caliber rifle,
3 bearing serial number 007767, which had been previously shipped and transported in
4 interstate and foreign commerce.

5 All in violation of Title 18, United States Code, Section 922(g)(1) and 924(a)(2).

6 The undersigned complainant, being duly sworn, hereby deposes and says as
7 follows:

8 **TRAINING AND EXPERIENCE**

9 1. I, Benjamin Ziesemer, am currently a Special Agent (SA) with the Bureau
10 of Alcohol, Tobacco, Firearms, and Explosives (ATF) assigned to the Portland Field
11 Office. I have been a Special Agent for over 18 years. I am a graduate of the Criminal
12 Investigator Training Program at the Federal Law Enforcement Training Center in
13 Glynco, Georgia, as well as a graduate of the New Professional Training Program at the
14 ATF National Academy in Glynco, Georgia. As a Special Agent with ATF, my duties
15 and responsibilities have included conducting criminal investigations for possible
16 violations of federal firearms laws. I am also a law enforcement officer of the United
17 States within the meaning of 18 U.S.C. § 2510(7), and I am authorized by law to conduct
18 investigations and to make arrests for felony offenses.

19 2. The facts set forth in this Complaint are based on my own personal
20 knowledge; knowledge obtained from other individuals, including other law enforcement
21 officers, during my participation in this investigation; review of documents and records
22 related to this investigation; communications with others who have personal knowledge
23 of the events and circumstances described herein; and information gained through my
24 training and experience. This Complaint does not purport to state every fact known to
25 law enforcement, but rather only to establish probable cause to conclude that HUSHAM
26 ZEYAD AL-ANI committed the charge set forth above.

27 3. This Complaint is being presented by electronic means, while I am in
28 Vancouver, Washington, pursuant to Local Criminal Rule CrR 41(d)(3).

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UNITED STATES ATTORNEY
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PURPOSE OF AFFIDAVIT

4. This Affidavit is made in support of a Complaint against HUSHAM ZEYAD AL-ANI for the crime of Felon in Possession of a Firearm, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

INVESTIGATION AND PROBABLE CAUSE

5. In early October 2019, I received information from the Vancouver Police Department (VPD) that HUSHAM ZEYAD AL-ANI, a convicted felon, was interested in obtaining firearms. I am familiar with HUSHAM ZEYAD AL-ANI from a previous investigation and know he goes by the nickname "Ash." A VPD confidential source provided the phone number of an ATF Special Agent, who was acting in an undercover capacity (UCA), to HUSHAM ZEYAD AL-ANI and suggested the UCA may be in possession of firearms he wished to sell. On October 10, 2019, the UCA received a phone call from a male who identified himself as "Ash." "Ash" expressed interest in purchasing an AK-47 type rifle. The UCA indicated that he had two AK-47 type rifles for sale and one was Chinese and one was Yugoslavian. "Ash" expressed interest in only the Yugoslavian rifle and wanted to meet the UCA that evening to purchase the rifle. The UCA indicated that he was not available that night and it was decided that they would meet the following day and "Ash" would purchase the Yugoslavian type AK-47 rifle for \$400. The UCA recorded the phone calls arranging the transaction.

6. On October 11, 2019, the UCA and "Ash" had additional recorded phone conversations and exchanged multiple text messages arranging for the firearms transaction to occur that afternoon at the Sportsman's Warehouse, located at 11505 NE Fourth Plain Road, Vancouver, Washington. During these conversations, "Ash" indicated that he had the money and he was now interested in both of the AK-47 type rifles that the UCA had for sale. "Ash" also indicated that he would be driving a white car to the meeting.

7. Special Agents from ATF, along with members of the Vancouver Police Department, took part in the planned law enforcement operation on October 11, 2019.

1 8. At approximately 3:20 p.m., I observed a white Ford Mustang drive into the
2 Sportsman's Warehouse parking lot and park next to the UCA's undercover vehicle. The
3 driver of the vehicle, HUSHAM ZEYAD AL-ANI, got out and exchanged greetings with
4 the UCA. The passenger of the vehicle, later identified as Jack Michels, remained seated
5 in the vehicle during the meeting. The UCA showed HUSHAM ZEYAD AL-ANI the
6 ATF-owned firearms utilized in this operation in the back of the UCA's undercover
7 vehicle. These firearms are a Chinese manufactured AK-47S, 7.62 caliber rifle, bearing
8 serial number CGA2432, and a Zastava, model M90, 7.62 caliber rifle, bearing serial
9 number 007767. HUSHAM ZEYAD AL-ANI handled and inspected the rifles.
10 HUSHAM ZEYAD AL-ANI offered the UCA \$700 for both rifles indicating that was all
11 the money he had. The UCA accepted the offer and HUSHAM ZEYAD AL-ANI paid
12 him \$700 in cash. HUSHAM ZEYAD AL-ANI took possession of the rifles and the
13 UCA gave a pre-determined "bust" signal. ATF agents and VPD officers moved in and
14 took custody of AL-ANI without incident near the back of the UCA's undercover
15 vehicle. Michels was removed from the passenger seat of the Ford Mustang and
16 detained. Through the open passenger side window of the Mustang, I observed what I
17 believe to be a Glock pistol tucked into the driver's side door of the vehicle. The Ford
18 Mustang was towed to a secure location inside the Vancouver Police Department in
19 anticipation of the application for a search warrant for the vehicle.

20 9. Upon his arrest, HUSHAM ZEYAD AL-ANI was searched. The search
21 yielded a wallet containing multiple forms of photo identification for HUSHAM ZEYAD
22 AL-ANI, including his Oregon Department of Corrections Inmate Identification Card as
23 well as \$3520 in cash. During the search of HUSHAM ZEYAD AL-ANI, ATF Special
24 Agent Jacobs asked if there was anything that would hurt him while searching AL-ANI.
25 AL-ANI indicated that there was nothing dangerous but Special Agent Jacobs would find
26 a baggie of meth and a baggie of heroin in his jacket pocket. The substances in the
27 baggies field-tested positive for the presence of methamphetamine and heroin,
28 respectively.

10. ATF Special Agent Weber, a firearms and ammunition interstate nexus expert, has examined the above-referenced Chinese manufactured AK-47S and Zastava model M90, 7.62 caliber rifles, and determined they were manufactured outside the State of Washington and therefore had traveled in interstate or foreign commerce prior to being found in Washington on October 11, 2019.

11. I have reviewed a number of conviction documents from courts in Oregon, Washington and California pertaining to HUSHAM ZEYAD AL-ANI. He has a number of convictions for crimes punishable by over one year, including:

a. *Possession of a Controlled Substance with Intent to Deliver - Heroin and Unlawful Possession of a Firearm in the Second Degree*, Clark County Superior Court cause number 12-1-01173-7, dated March 19, 2014;

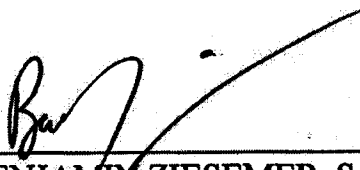
b. *Burglary in the First Degree and Felon in Possession of a Firearm*, Multnomah County Circuit Court cause number 16CR60410, dated April 10, 2017.

12. For each of these convictions, I observed that HUSHAM ZEYAD AL-ANI was sentenced to serve a term of imprisonment of more than 12 months.¹ The Oregon conviction documents list the defendant's full name as HUSHAM ZEYAD-TAREQ AL-ANI. The Clark County Superior Court Judgment, cause number 12-1-01173-7, was charged as HUSAM ZEYED AL-ANI, but the Statement of Defendant on Plea of Guilty reflects that the defendant corrected the case caption by inserting the missing "H" and further indicating that his "true name" is "HUSHAM ZEYAD AL-ANI." The related case documents show he was present at the sentencing hearing, and that he affixed his signature and fingerprints to the Judgment. Finally, in that case, HUSHAM ZEYAD AL-ANI signed a document acknowledging that he had been notified orally and in writing that he "may not own or possess firearms." That document is included in the court record for the conviction. Both courts list the same 1989 date of birth for AL-ANI.

¹ He was sentenced to 12 months on the Clark County UPOF, but it was concurrent with a 20-month sentence on the PWID Heroin count in the same Judgment.

CONCLUSION

13. Based on the foregoing facts, I respectfully submit there is probable cause to believe that HUSHAM ZEYAD AL-ANI committed the crime of *Felon in Possession of a Firearm* in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).


BENJAMIN ZIESEMER, Special Agent
Bureau of Alcohol, Tobacco, Firearms,
and Explosives

The above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing Affidavit on October 15, 2019, and based on the sworn Complaint and Affidavit, the Court hereby finds that there is probable cause to believe HUSHAM ZEYAD AL-ANI committed the offense set forth in the Complaint.

Dated this 15 day of October, 2019.


HONORABLE J. RICHARD CREATURA
United States Magistrate Judge